

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANNON B. JACKSON,

Defendant.

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8:09CR272

ORDER

This matter is before the court on the motion of Shannon B. Jackson to issue subpoenas *in forma pauperis* (Filing 83). The defendant requests three subpoenas duces tecum for the purpose of obtaining photographs and electronic media from the Records Departments/Evidence Custodians of the Omaha Police Department, Bellevue Police Department, and Sarpy County Sheriff/Sarpy County Jail.

Although the court accepts the defendant's allegations as to indigency, the motion does not comply with NECrimR 17.2 (Rev. Dec. 1, 2009), requiring

- the submission of a supporting brief,
- compliance with NECrimR 12.3(b)(3), and
- an affidavit or declaration, see 28 U.S.C. § 1746, establishing the following:
 - (A) the documents or objects sought cannot otherwise be reasonably obtained by due diligence in advance of the trial or evidentiary proceeding;
 - (B) the moving party cannot properly prepare for the trial or evidentiary proceeding without advance production and inspection;
 - (C) the failure to obtain advance production and inspection of the documents or objects may unreasonably delay the proceeding; and
 - (D) the application is made in good faith and is not intended for the purpose of general discovery.

IT IS ORDERED that defendant's Motion (Filing 83) is denied, without prejudice to reassertion in full compliance with NECrimR 17.2.

DATED January 7, 2010.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**